

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

OLLIE GREENE, Individually as the  
Surviving parent of WYNDELL GREENE,  
SR., WILLIAM GREEN, as the  
Administrator of the Estate of WYNDELL  
GREENE, SR., and MARILYN BURDETTE  
HARDEMAN, Individually and as the  
Surviving parent of LAKEYSHA GREEN,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION,  
TOYOTA MOTOR ENGINEERING &  
MANUFACTURING NORTH AMERICA,  
INC., TOYOTA MOTOR SALES USA, INC.,  
VOLVO GROUP NORTH AMERICA, IND.,  
VOLVO TRUCKS NORTH AMERICA, A  
A DIVISION OF VOLVO GROUP  
NORTH AMERICA, LLC., STRICK  
CORPORATION, INC., JOHN FAYARD  
MOVING & WAREHOUSE, LLC and  
DOLPHINE LINE, INC.

Defendants.

CAUSE NUMBER 3:11-cv-0207-N

JURY TRIAL DEMANDED

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**DEFENDANT STRICK TRAILERS LLC'S RESPONSE TO PLAINTIFFS'  
JOINT SUBMISSION REGARDING PLAINTIFFS' EMERGENCY MOTION  
TO QUASH DECEMBER 23, 2013 AND DECEMBER 27, 2013 SUBPOENAS**

TO THE HONORABLE COURT:

Defendant Strick Trailers, LLC (õStrickö), by counsel, for its Response to PlaintiffsøJoint Submission Regarding Plaintiffsø Emergency Motion to Quash December 23, 2013 and December 27, 2013 Subpoenas (D.E. 291) (the õPlaintiffsøMotion to Quashö), states as follows:

1. On or about December 13, 2013, Defendants Toyota Motor Corporation and

Toyota Manufacturing North America, Inc. (jointly "Toyota"), issued witness subpoenas (the "Subpoenas") for two of Plaintiffs' experts to be deposed on December 23, 2013 and December 27, 2013 (jointly the "Depositions").

2. Strick was not responsible for scheduling the Depositions.

3. Strick was not responsible for issuing or serving the Subpoenas.

4. On December 16, 2013, at approximately 7:14 p.m., Plaintiffs' counsel sent an email to Toyota's counsel with a copy to all defense counsel in the litigation requesting a "meet and confer" conference and inquiring if Toyota's counsel was speaking on behalf of all defense counsel regarding the Subpoenas (the "December 16 Email"). A copy of the December 16 Email is attached as **Exhibit 1**.

5. On December 17, 2013, at approximately 7:29 a.m., about 12 hours after the December 16 Email was sent, Strick's counsel replied to the December 16 Email (the December 17 Email) and stated that because Strick was not the party that issued the Subpoenas, Strick was not in a position to "agree or disagree on whether the [S]ubpoenas should be quashed. On this particular subject, there is not anything for Strick to meet and confer about." A copy of the December 17 Email is attached as **Exhibit 2**.

6. On December 20, 2013, Plaintiffs' counsel filed the Plaintiffs' Motion to Quash.

7. On December 21, 2013, this Court issued its Order staying the Depositions until the parties are heard at oral argument on January 2, 2014 (the "Order") (R.E. 297).

8. The Order also permitted all defendants to respond to the Plaintiffs' Motion to Quash on or before December 27, 2013.

9. Strick is taking this opportunity to file this Response for the sole purpose of informing the Court that it played no role in issuing the Subpoenas and had no legal authority to

cancel or withdraw the Subpoenas. Strick has been, and will continue to be as cooperative as is reasonably possible under the circumstances in establishing a fair and speedy expert discovery schedule.

10. Strick will be in attendance for the January 2, 2014 hearing on the Motion to Quash pursuant to the express terms of the Order.

Respectfully submitted,

DAWSON & CLARK, P.C.

/s/ Donald H. Dawson, Jr.  
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**ATTORNEYS FOR DEFENDANT STRICK**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2013, I electronically filed a copy of the foregoing, together with all exhibits, if any, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants and I hereby certify that I have mailed by United States Postal Service the document to any non CM/ECF participants.

/s/ Donald H. Dawson, Jr.  
DONALD H. DAWSON, JR.